

IN THE HIGH COURT OF JUSTICE OF THE F.C.T.

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT KUBWA, ABUJA

ON WEDNESDAY, THE 14TH DAY OF JULY, 2021

BEFORE HIS LORDSHIP: HON. JUSTICE K. N. OGBONNAYA

JUDGE

SUIT NO. FCT/HC/BW/PET/51/20

BETWEEN:

CHIAMAKA BLESSING EZEH.....PETITIONER

AND

CHISOM KODICHI EZEH.....RESPONDENT

BENCH JUDGMENT

In this Petition for dissolution of marriage the Petitioner Chiamake Blessing Ezeh want the Court to dissolve the marriage between her and the Respondent Chisom Kodichi Ezeh in that the marriage has broken down irretrievably and that the Petitioner had find it difficult to continue to live with the Respondent. She has based the grounds for the dissolution or she had lived apart from the Respondent since March 2019.

The marriage was conducted on 31/12/2011 as evidence in the marriage Certificate attached to the Petition. The Respondent was served with the process via an Order of

this Court. The evidence of service is as stated in the Affidavit of service of the Petition attached to the Court file showing pictures that the document was pasted as Ordered by the Court.

Today the Respondent is absent but has a Counsel representation by name M.O.Akinsanya Esq who appeared with another Lawyer M.O.Abanigbe. The Petitioner is in Court and she is represented by O.Onigbo Esq.

The Respondent Counsel had informed Court that the Respondent is available to amicable resolution on the issue if the Petitioner is ready. The Court had asked the Petitioner if she ready to amicably settle the issues in dispute. She said she is not. Her Counsel Onigbo Esq had applied for Court to expunge the paragraph 8 (a)-(y) of grounds of the Petition for dissolution. This Court had struck out those grounds. By that application the only ground upon which the petition is predicated on paragraph (h) which is the fact that the parties have lived apart since March 2019.

From all indication the parties have lived apart beyond the one year which the Matrimonial Causes Act/Matrimonial Causes Rule requires. Again the marriage was contracted about 10 years ago. So the Petition is not caught up by the 2 years Rules. The marriage has no child.

It is imperative to state that the wide and unending discretionary power of the Court does not entail the Court forcing parties in a marriage to continue with the marriage more so when one or both had indicated that

they do not intend to continue to live together as husband and wife. Beside the parties have no binding force in form of any child of the marriage?

Since that is the case this Court has no reason not to listen to the parties as indicated from their respective Counsel who are in Court today.

This Court therefore hereby dissolve today the marriage between Chiamaka Blessing Ezeh and Chisom Kodichi Ezeh which was contracted on the 31/12/2011 at Abuja FCT by that the said marriage is hereby DISSOLVED.

This is the Order Nisi of this Court given today the 14/7/2021 by me.

Be it known to all the parties and the public that 91 days from today if the parties did not get back together as husband and wife this Order Nisi shall automatically be made ABSOLUTE

This is the Bench judgment of this Court delivered made today theday of2021 by me.

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K.N.OGBONNAYA

HON.JUDGE